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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/032,551 02/26/98 WERVE

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EXAMINER

LM02/1007

WELSH & KATZ LTD
120 SOUTH RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

NGUYEN, S

ART UNIT

PAPER NUMBER

2731

DATE MAILED:

10/07/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/032,551

Applicant(s)
Werve et al.

Examiner
Steven Nguyen

Group Art Unit
2731



☒ Responsive to communication(s) filed on 7/23/99 (amendment A)

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-55 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-55 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-5, 8, 18-24, 27, 37-42 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Dekelbaum et al (USP 5838682).

Regarding claims 1-3, 8, 18-22, 27, 37-39, Dekelbaum discloses a method for establishing an audio call path between an Internet user accessing a web site and an agent of the web site comprises the steps of providing the web site with a plurality of audio access icons and a plurality of agent groups; associating an agent group of the plurality of agent groups with a subject matter of each audio-access icon of the web site; and establishing a voice path between the internet voice plug-ins of user and an agent of the associated agent group based upon activation of a audio-access icon by the user (Fig 1B, 6, Col 5, line 25 to col 7, line 52, Dekelbaum et al disclose a web site which includes a plurality of web pages with the embedded phone number or data address of each of plurality of group of agent so that when the user views the web page information and

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decides to speak to an agent the user just click on the hot spot such as hypertext link, image, button or icon wherein the phone number or data address is embedded in it to establish a call path between the user and an agent group over local area network).

Regarding claims 4 and 23, it is a designer choice for correlating a training level of an agent group of the plurality of agent groups with an information content of an audio-access icon of the at least some web pages.

Regarding claims 5 and 24, Dekelbaum et al disclose an ACD which places the user in a call queue of the associated group until a next available agent becomes available (Fig 1B, 106).

Regarding claims 40-41, it would have been explicit to one of ordinary skill in the art to apply a look up table in a memory of the web site controller which relates to the information content of each web page of the at least some web pages with audio access icon disposed on the web page and a call distribution look up table which correlates to the level of an agent group of the plurality of agent groups with information content of an audio access icon of the at least some web pages in order to display the correct information web page and establish a correct call path when the user click on the web page.

Regarding claim 42, the claim 42 is similar to claim 5. Therefore, it is rejected under similar rationale.

Regarding claim 45, the claim 45 is similar to claim 8. Therefore, it is rejected under similar rationale.

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Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 6-7, 25-26 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum et al (USP 5838682) as applied to claim 1 above, and further in view of Gerber (USP 5657383).

Regarding claims 6-7 and 25-26, Dekelbaum disclose an ACD. However, Dekelbaum fails to disclose a step of measuring a time period that the user has been in the call queue and comparing the measured time with a threshold value and overflowing the user to a queue of another agent group when the measured time exceeds the threshold (Fig 6A-6C discloses a call

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which places in the queue of team A for period of time and using this time to comparing with a threshold in order to move the user to another team such as Team B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the method for identifying the waiting period of a user and comparing it with a threshold in order to transfer the user to another group of an agent as taught by Gerber et al into the communication system of Dekelbaum et al. The suggestion/motivation would have been to avoid an overflow of a queue of a level of a group of agent.

Regarding claims 43-44, the claims 43-44 are similar to claims 6-7. Therefore, they are rejected under similar rationale.

5. Claims 9-17, 28-36 and 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekelbaum et al (USP 5838682) as applied to claim 1 above, and further in view of Bateman et al (USP 5884032).

Regarding claims 9-10 and 28-29, Dekelbaum et al fail to disclose a step of transferring an Internet address of the selected agent to the user and an Internet address of the user to the selected agent. However, in the same field of endeavor, Bateman et al disclose a method for establishing a call path by using the internet address of the user and agent by transferring an Internet address of the selected agent to the user and an Internet address of the user to the selected agent (Col 6, lines 66 to col 8, lines 13, the user transfer its internet address to agent by embedded its internet address in URL form when it click on the audio access icon and agent uses this internet address to transfer its internet address to the user in order to setup a voice channel;

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Furthermore, establishing a voice channel on the internet the caller and calle must know its recipient internet address to transfer a voice data to each other).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize that the user and agent must know the internet address each other in order to transfer a voice data.

Regarding claims 11-12 and 30-31, Dekelbaum et al disclose a web site controller which include in the internet server (Fig 1B, 102, retrieve information of user to display at terminate of agent) to decode the information which includes in the requested user. The controller will decode the information in it. However, Dekelbaum et al fail to disclose a web site controller used to decode the information and recover the user internet address. In the same field of endeavor, Bateman et al disclose when the user click on audio access icon the user IP is filled automatically in the request from in a hidden field in the request form and transmit it to the web server. The web side controller decodes the user IP address and transfer this IP address to the agent in order establishing a voice channel (Col 7, lines 2-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize that a web site must includes a web site controller in order to decode and recover the user internet address and transfer it to the agent. The suggestion/motivation would have been to establishing a voice channel over internet.

Regarding claims 13-17 and 32-36, it would have been explicit to one of ordinary skill in the art to create an entry information web page such as credit card to allow the customer to enter

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data, transfer a collected information and identifier agent to a database of the web site and the group of agents and retrieve the user record from database and display this record at the terminal of agent.

Regarding claims 46-47, the claims 46-47 are similar to claims 9-10. Therefore, they are rejected under similar rationale.

Regarding claims 48-49, the claims 48-49 are similar to claims 11-12. Therefore, they are rejected under similar rationale.

Regarding claims 50-51 and 53-55, the claims 50-51 and 53-55 are similar to claims 13-17. Therefore, they are rejected under similar rationale.

Regarding claims 52, it would have been explicit to one of ordinary skill in the art to coupled a database in order to store the customer records.

Response to Arguments

6. Applicant's arguments filed 07/23/99 have been fully considered but they are not persuasive.

Regarding claim 1-5, 8, 18-24, 27, 37-42 and 45, the applicant states that Dekelbaum fails to disclose the claimed invention such as "establishes a voice path between internet voice plug ins of the user and agent" (1); the association of agent groups with a subject matter of each icon (2). The examiner disagrees with the applicant. With respect to (1) a voice path between a user using an internet voice plug in "Internet voice plug in is a software which will be executed when a user

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clicks on icon, hot spot or hyper link which has a command for executing a internet voice plug in such as autodialer see col 14, line 49 to col 15, line 6” and an agent because a voice path can be established over Internet, ISDN or POTS path. With respect to (2) Dekelbaum disclose a plurality of hot spot wherein each subject matter of each hot spot associating with a group of agents. For example, each subject matter of hot spot associates with a group of agents as showing in Fig 6. Therefore, Dekelbaum’s teaching performs the claimed invention.

In response to applicant’s argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dekelbaum discloses an ACD and Gerber discloses a detail of the ACD. Dekelbaum suggests the use of ACD; therefore, it would have been obvious to one of skill in the art at the time of invention was made to find a well known or conventional ACD which support the function of the claimed invention to apply into Dekelbaum’s communication system. Since, Dekelbaum and Bateman discloses a method of allowing the customer to communication with an agent wherein both apply the TCP/IP in their communication system. Therefore, it would have been obvious to one skill in the art to incorporated Bateman’s communication into Dekelbaum’s

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communication since both using same protocol. Therefore, the teaching of Dekelbaum, Gerber and Bateman performs the claimed invention.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams et al (USP 5815657) disclose a system and method for user purchasing a good from internet and using credit for payment method.

Haigh (USP 5793861) discloses a transaction processing system over internet.

Clare et al (USP 5465286) disclose a ACD telephone system with a plurality of group of agents according to their skill level.

Kohler (USP 5721770) discloses a ACD telephone system with a plurality of group of agents according to their skill level.

Srinivasan (USP 5724412) discloses a method for decoding internet address of user.

Toader (USP 5806043) disclose a method for proving a real time on line support to customer over internet.

Hidary et al (USP 5778181) disclose a method for decoding a internet address.

Bashoura et al. (USP 5862202) disclose a method of decoding the internet address and using this internet address for delivery a fax message over internet.

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Brooks et al (USP 5825869) disclose a call management method and system for skill based routing to the agent.

Olissaint (USP 5740240) discloses a look up table for establishing a relationship between the caller and agent.

Shachar et al (USP 5764736) disclose a plurality of web pages which includes hot link, button, icon, image, phone tag, business card to allow user click on it and establishing a call path between the user and an agent of a plurality of group agents over internet.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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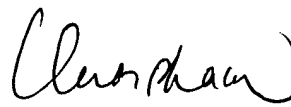
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN
Art Unit: 2731
October 4, 1999


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700 10/27/99